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OFFICE OF PETITIONS

In re Application of
Harris
Application No. 10/690,908
Filed: October 22, 2003
Attorney Docket No. Jenn003

Decision on Petition

This is a decision on the petition filed May 5, 2005, which is being treated as a petition under 37 CFR 1.53(e)(2), to establish that page 6 of the specification was part of the originally filed application.

The application was filed on October 22, 2003. On April 29, 2005, a Notice was mailed stating that page 6 of the specification did not appear to be included as part of the application filed.

The present petition alleges that page 6 of the specification was deposited on October 22, 2003. In support, petitioner has submitted a postcard receipt which acknowledges receipt of 14 pages of specification on October 22, 2003.¹

The USPTO file for this application includes only 13 pages of specification and does not include specification page 6. Based on the evidence submitted, the Office concludes the missing page was part of the application but were later misplaced. Therefore, the petition is **granted**.

A refund of the petition fee will be scheduled.

The Notice mailed April 29, 2005, was sent in error and is hereby vacated.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of October 22, 2003, using the application papers filed on October 22, 2003, and the copy of page 6 of the specification filed on May 5, 2005.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

¹ Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.